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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

J.M. WOODWORTH RISK RETENTION
GROUP, INC., a Nevada Captive Corporation,

Plaintiff,

v.

UNI-TER UNDERWRITING
MANAGEMENT CORPORATION, a
Delaware Corporation; UNI-TER RISK
MANAGEMENT SERVICES
CORPORATION, a Delaware Corporation;
UNI-TER CLAIMS SERVICES
CORPORATION a Delaware Corporation;
and US RE AGENCIES, INC., a Delaware
Corporation; STATE OF NEVADA,
DIVISION OF INSURANCE OF THE
DEPARTMENT OF BUSINESS AND
INDUSTRY; DOES 1 through X; and ROE
ENTITIES XI through XX,

Defendants.

Case No. : 2:13-cv-00911-JAD-PAL

**MOTION FOR LEAVE TO
FILE EXHIBITS UNDER SEAL**

**FILED UNDER SEAL; CONTAINS
MATERIAL SUBJECT TO A
PROTECTIVE ORDER OF THE COURT
WHICH LIMITS DISCLOSURE AND
USE. ACCESS LIMITED TO PERSONS
AUTHORIZED BY THE PROTECTIVE
ORDER UNLESS OTHERWISE
ORDERED BY THE COURT.**

Plaintiff J.M. Woodworth Risk Retention Group, Inc. ("JMW"), by and through its counsel of record Holland & Hart LLP, hereby bring this Motion for Leave to File Under Seal ("Motion") certain confidential exhibits attached to JMW's Supplemental Brief in Support of its Motion to Remand ("Supplemental Brief") [Doc. 5].

This Motion is made and based on the following Memorandum of Points and Authorities, the papers and pleadings on file herein and in the Eighth Judicial District Court for Clark

County, Nevada (Case No. A-13-681890-B), and any further oral argument this Court may allow concerning these issues.

DATED this 21st day of March, 2014.

HOLLAND & HART LLP

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MEMORANDUM OF POINTS AND AUTHORITIES

“[T]he usual presumption of the public’s right of access is rebutted” for certain confidential business information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 1006); *Selling Source, LLC v. Red River Ventures, LLC*, 2011 WL 1630338, *1 (D. Nev. 2011) (“[i]t is well-settled that the court has the authority to shield proprietary information related to the ongoing operations of a business from public review.”) That is because “[w]here the material includes information about proprietary business operations, a company’s business model or agreements with clients, there are compelling reasons to seal the material because possible infringement of trade secrets outweighs the general public interest in understanding the judicial process.” *Id.* at *6.

The parties currently have a Stipulated Confidentiality and Non-Disclosure Protective Order (“Protective Order”) [Doc. 39] in place that applies to all information designated as “Confidential” and the parties agreed that such confidential information shall not, without the consent of the party producing it or further Order of the Court, be disclosed except that such information may be disclosed to the Court. Further, under the terms of the Protective Order, any exhibits containing information designated as “Confidential” that are attached to any pleadings, motions, or other documents filed with the Court must be filed under seal in accordance with Local Rule 10-5.

1 JMW is now prepared to file its Supplemental Brief concurrently with this Motion.
2 Contained in the Supplemental Brief and certain exhibits is information that has been designated
3 as confidential, proprietary, and/or trade secret information under the Protective Order:

- 4 • **Exhibit 2:** JMW's Confidential Offering Memorandum
- 5 • **Exhibit 3:** JMW Bylaws

6 This information is necessary to support JMW's Supplemental Brief. Specifically, the
7 Supplemental Brief contains excerpted and summarized portions of JMW's Confidential
8 Offering Memorandum and Bylaws, which discuss confidential business information that has
9 been designated confidential under the Protective Order. As a result, compelling reasons exist to
10 grant the present Motion. Accordingly, and pursuant to Local Rule 10-5(b), JMW respectfully
11 requests that it be allowed to file the confidential exhibits attached to the Supplemental Brief
12 under seal from the general public.

13 DATED this 21st day of March, 2014.

14 HOLLAND & HART LLP

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2014, a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE UNDER SEAL** was served on counsel through the Court's electronic service system as follows:

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